

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

YAT HO WONG, #150751 §

VS. §

LISA BRONCHETTI, ET AL. §

CIVIL ACTION NO. 4:22cv61

ORDER ADOPTING REPORT AND RECOMMENDATION

The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (Dkt. #10), recommending that all claims be dismissed against Defendant Magistrate Judge Lisa Bronchetti with prejudice based on absolute immunity. Plaintiff filed objections. (Dkt. #13).

In the objections, Plaintiff states that Judge Bronchetti should not be granted immunity because she lacked jurisdiction over Plaintiff because he is a non-resident alien. (Dkt. #13, pp. 1-2; Dkt. #13-1). Plaintiff's claims against Judge Bronchetti, the state court judge who presided over the disputed proceedings and entered the contested orders, are barred by absolute immunity because Plaintiff has alleged no actions by Judge Bronchetti that were nonjudicial in nature. *See Boyd v. Biggers*, 31 F.3d 279, 284-85 (5th Cir. 1994). Immunity applies regardless of whether the judge's actions were erroneous, malicious, or in excess of her authority. *Mays v. Sudderth*, 97 F.3d 107, 111 (5th Cir. 1996). A judge's immunity is overcome only for actions not taken in the judge's judicial capacity or for action taken in complete absence of all jurisdiction. *Boyd*, 31 F.3d at 284. Plaintiff's assertion that Judge Bronchetti lacked all jurisdiction in his state court criminal case because he is a non-resident alien amounts to nothing more than arguing that the judge's actions were improper. Thus, Plaintiff's objections are without merit.

The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. Having made a *de novo* review of the objections raised by Plaintiff to the Report, the Court concludes that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the Court.

It is accordingly **ORDERED** that all claims against Defendant Magistrate Judge Lisa Bronchetti are **DISMISSED** with prejudice.

SIGNED this 6th day of September, 2022.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE